

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

HOWARD POWELL, JR.	§	
VS.	§	CIVIL ACTION NO. 5:17cv207
BOWIE COUNTY, TEXAS	§	

MEMORANDUM OPINION AND ORDER REGARDING VENUE

Petitioner Howard Powell, Jr., an inmate confined in the Bowie County Jail, proceeding *pro se*, filed this petition for writ of habeas corpus.

Petitioner states he is confined pursuant to a criminal indictment filed in the Judicial District Court of Pulaski County, Arkansas for two counts of rape, false imprisonment, and second degree battery. On March 13, 2003, petitioner was convicted of one count of rape, false imprisonment, and second degree battery. Petitioner was sentenced to consecutive terms of imprisonment totaling 384 months. Petitioner states he has been continuously confined in the Arkansas Department of Corrections since that date.

Petitioner states that on April 25, 2017, pursuant to an order of Ms. Wendy Kelley, the Director of the Arkansas Department of Corrections, he was transferred from the Arkansas Department of Corrections to the Bowie County Jail located in Texarkana, Texas. Petitioner asserts he is being illegally restrained in Texas because he has not been found guilty of a crime in the state of Texas, nor does he have any charges or indictments pending against him in the state of Texas. Petitioner contends his transfer to the Bowie County Jail violated the judgment entered against him in Arkansas. Thus, he claims his confinement is unlawful.

Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in either the federal judicial district in which he was convicted or the district in which he is incarcerated. As petitioner states no Texas charges have been filed against him, his incarceration in the Bowie County Jail appears to be the result of some contractual arrangement between Bowie

County and the Arkansas Department of Corrections. Accordingly, his incarceration is due to his Arkansas conviction rather than any action by a Texas court.

As petitioner's incarceration is the result of an Arkansas conviction, the Court is of the opinion this petition should be transferred to the federal judicial district where the conviction occurred. Pursuant to 28 U.S.C. § 83, Pulaski County, where petitioner was convicted, is located in the Western Division of the Eastern District of Arkansas. This petition will therefore be transferred to such division and district.

ORDER

For the reasons set forth above, it is **ORDERED** that this petition is **TRANSFERRED** to the Western Division of the United States District Court for the Eastern District of Arkansas.

SIGNED this 7th day of December, 2017.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE